IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1158 OF 2007
IN
CRIMINAL APPEAL NO. 1025 OF 2007

Smt. Vimal Chandrakant Bansode ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. Siddharth Kamble i/by M.K. Kocharekar for applicant.

Mr. D.R. More, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : October 16, 2007.

P.C.:

1. Heard. This is an application for bail during the pendency of Criminal Appeal No. 1025 of 2007 which has been admitted today.

2. Admittedly, the accused is a widow and the deceased was her father-in-law. The incident had taken place on 29/5/2006 in which the deceased suffered an injury on his head and after some time he fell unconscious, he was shifted to the hospital and

died on 3/6/2006. At no point of time his dying declaration was recorded. There was no eye witness to the incident. The complaint was filed by the mother-in-law of the accused and wife of the deceased but she also died during the trial of the Sessions Case.

3. I have perused the depositions of PW 6 - Dr.Prashant Shinde, PW 7 - Sanginta Bansode and PW 8 - Sindhu Kamble. PWs 7 and 8 are the daughters of the deceased. PW 7 stays in the same village where the accused stays but at some distance whereas PW 8 is a resident of village Pimpode Budruk. In her examination-in-chief PW 7 stated that when she asked the accused as to how her father sustained an injury she was informed by the accused that while there was a quarrel between them, in anger, she took the batten and beat it on the head of the deceased. However, in the cross-examination PWs 7 and 8 admitted that the accused was looking after their father and they had not seen the quarrel as such. In fact, PW 8 in her cross-examination admitted that the story of quarrel she had learnt from Sangita. Whereas the defence was

that the batten had fallen on the head of the deceased while the house repairing work was going on and the house was in the dilapidated condition. The condition of the house was admitted by PW 7. The accused is a married lady with children and she has a married daughter. I am satisfied that the applicant deserves to be released on bail during the pendency of the appeal. It is also noted that she was on bail during the trial.

4. Hence, the application is allowed and it is directed that pending the appeal, the applicant be released on bail, if not required in some other case, on the same terms as before the trial court but on fresh bonds.

(B.H. Marlapalle,J.)